

**PATENT COOPERATION TREATY**  
**PCT** Rec'd PCT/PTO 11 FEB 2005  
**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 78263313/AJC/AJS	<b>FOR FURTHER ACTION</b>	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No.  <b>PCT/AU2003/001034</b>	International Filing Date (day/month/year) 15 August 2003	Priority Date (day/month/year)  16 August 2002
International Patent Classification (IPC) or national classification and IPC  Int. Cl. <sup>7</sup> F42B 12/60; F41H 11/02; F41F 1/00		
Applicant  METAL STORM LIMITED et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 3 sheet(s).

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☒ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 15 March 2004	Date of completion of the report 10 August 2004
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaaustralia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  <b>JEFFREY CARL</b> Telephone No. (02) 6283 2543

**I. Basis of the report****1. With regard to the elements of the international application:\***

- ☐ the international application as originally filed.
- ☒ the description, pages **1-46**, as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☒ the claims, pages **48-50, 52**, as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages **47, 51, 53**, received on **29 July 2004** with the letter of **28 July 2004**
- ☒ the drawings, pages **1/26-26/26**, as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of
- ☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

**2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.**

These elements were available or furnished to this Authority in the following language which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:**

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

**4. ☐ The amendments have resulted in the cancellation of:**

- ☐ the description, pages
- ☐ the claims, Nos.
- ☐ the drawings, sheets/fig.

**5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\***

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims 1-49	YES
	Claims	NO
Inventive step (IS)	Claims 1-49	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-49	YES
	Claims	NO

**2. Citations and explanations (Rule 70.7)**

The following documents identified in the International Search Report have been considered for the purposes of this report:

- |                    |                     |
|--------------------|---------------------|
| (i) WO 2001/053770 | (iv) WO 1997/016696 |
| (ii) EP 821215     | (v) GB 1430750      |
| (iii) US 5535679   |                     |

**Claims 1-49:** The invention of the amended claims is directed to projectile deployment systems for use in a target intercepting device; methods of manufacturing projectile deployment systems; and various apparatus, missiles and methods for intercepting a target, the system being characterised by including a body defining a body axis and the deployment system includes an array of barrels circumferentially spaced around the body axis.

No individual citation, nor any obvious combination of citations, discloses systems, methods or apparatus having all of the features defined in each of the independent claims.

The closest art of citation (i) discloses an anti-missile missile that includes one or more barrel assemblies which fire projectiles toward the predicted flight path of an incoming missile. The anti-missile missile includes a barrel assembly that can fire projectiles simultaneously and may fire projectiles in opposite directions so as to minimise any change of flight path of the anti-missile missile. There is no disclosure of a number (or array) of barrels circumferentially spaced around the body axis as is defined in the claims.

**See also Box VI**

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## VI. Certain documents cited

## 1. Certain published documents (Rule 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date ( valid claim) (day/month/year)
P, X WO 2003/006915	23 January 2003	8 July 2002	11 July 2001

This document discloses features which makes the invention defined in claims 1-28, 32-36, 40, 42, 43 and 45-49 not novel.

With regard to the document(s) listed in Box VI under "certain documents cited", these are documents published prior to the international filing date but later than the priority date claimed but which would otherwise be considered to be of particular relevance.

Under the PCT, novelty is considered only in respect of documents published before the priority date. The relevance of a document published after the priority date is dependent upon national law. Such documents are excluded from consideration in preliminary examination, under the PCT Guidelines but have been included here for information.

See also Box V.2

## 2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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